

ND 3:18-BK-000245

Dated April 30th, 20198

Filed 05/03/21

Entered 05/03/21 11:02:44

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B. McKay Mignault, Chief Bankruptcy Judge
United States Bankruptcy Court

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**IN RE: GEOSTELLAR, INC.
Debtor.**

BANKRUPTCY NO: 18-0045

**AGREED ORDER ON NON-PARTICIPATION
IN MEDIATION BY THE BANKRUPTCY ESTATE OF
DAVID ANDREW LEVINE AND MONICA LARSON LEVINE**

It appearing to the Court by the signatures of counsel below as follows:

1. Now pending is a proposed Agreed Order which inter alia would allow mediation of an adversary proceeding know as Sheehan, as Trustee of the Bankruptcy Estate of Geostellar, Inc. v. David A. Levine, 3:19-AP-00024. In that proceeding, the defense is being conducted by an insurer.
2. Settlement, if reached with Defendant, Levine in mediation, would be paid with insurance proceeds that are not property of the Bankruptcy Estate of David A. Levine.
3. Thomas H. Fluharty, the Trustee of the Bankruptcy Estate of David Andrew Levine and Monica Larson Levine has no interest in this litigation which does not involve property of the Estate.
4. Martin P. Sheehan, the Trustee of Geostellar, could only collect beyond the scope of available insurance coverage against the Estate of David Andrew Levine and Monica Larson Levine, assuming no objection by a party in interest to the claim of the Bankruptcy Estate of Geostellar, Inc.
5. It is Agreed that neither the result of the mediation, nor the result of litigation

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should mediation not be successful, would formally bind either Thomas H. Fluharty, or the Bankruptcy Estate of David Andrew Levine and Monica Larson Levine, on any aspect of the claim of the Trustee of the Bankruptcy Estate of Geostellar in that process. Those parties would be free, as they deem appropriate to consider that claim on any basis mutually agreeable, separately.

6. Consequently, Thomas H. Fluharty, Trustee of the Bankruptcy Estate of David Levine., will not participate in the upcoming mediation of the Adversary Proceeding.

IT IS SO ORDERED.

Prepared by:’

/s/ Martin P. Sheehan
Martin P. Sheehan, Esq. (WVSB #4812)
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*Counsel for Trustee of the Bankruptcy Estate
of Geostellar, Inc*

Agreed to:

/s/Thomas H. Fluharty
Thomas H. Fluharty, Esq. (WVSB #1231)
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408 Lee Avenue
Clarksburg, WV 26301
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*Chapter 7 the Bankruptcy Estate of David
Andrew Levine and Monica Larson Levine*

Notice Recipients

District/Off: 0424-3

Case: 3:19-ap-00024

User: ad

Form ID: pdfdoc

Date Created: 5/3/2021

Total: 4

Recipients submitted to the BNC (Bankruptcy Noticing Center):

| | | | | |
|-----|-----------------------------|-------------------------------|--------------------------|--------------------|
| pla | Martin P. Sheehan | Sheehan & Associates, PLLC | 41 – 15th Street | Wheeling, WV 26003 |
| dft | David A. Levine | 2426 Steamboat Run Road | Sheperdstown, WV 25401 | |
| ust | United States Trustee | 2025 United States Courthouse | 300 Virginia Street East | Charleston, WV |
| | 25301 | | | |
| | Thomas H. Fluharty, Esquire | 408 Lee Avenue | Clarksburg, WV 26301 | |

TOTAL: 4